

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOKIA CORPORATION and NOKIA INC.,

Plaintiffs,

v.

INTERDIGITAL COMMUNICATIONS  
CORPORATION and INTERDIGITAL  
TECHNOLOGY CORPORATION,

Defendants.

C.A. No. 05-16-JJF

**AGREED SECOND AMENDED RULE 16 SCHEDULING ORDER**

The Court enters the following Agreed Second Amended Rule 16 Scheduling Order.

IT IS ORDERED that:

1. Complex Designation. This matter continues to be designated as complex in accordance with D. Del. LR 16.1.

2. Settlement Conference. Pursuant to 28 U.S.C. § 636 and the Court's March 29, 2006 Order, this matter has previously been referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

3. Interim Status Report. On August 15, 2007, the parties shall file with the Court an interim report on the nature of the matters in issue and the progress of discovery to date. After review of the interim report, the Court will determine the necessity for and frequency of any future status reports.

4. Discovery.

(a) All fact discovery, including depositions, shall be completed by December 14, 2007.

(b) Maximum of 50 interrogatories, including contention interrogatories, for each side.

(c) Maximum of 75 requests for admission by each side.

(d) Maximum of 30 depositions by plaintiffs and 30 by defendants.

(e) Opening expert reports under Rule 26(a)(2) that relate to issues on which a party has the burden of proof are due on March 14, 2008. Reports under Rule 26(a)(2) that relate to issues on which a party does not have the burden of proof are due on May 2, 2008. Expert discovery will close on June 27, 2008.

(f) Any party desiring to depose an expert witness shall provide notice no later than 15 days after receiving the expert's report, and complete said deposition no later than June 27, 2008 unless otherwise agreed in writing by the parties or ordered by the Court.

5. Markman.

If necessary, a *Markman* hearing will be scheduled. Briefing on the claim construction issues shall be completed prior to the hearing and according to the following schedule. The Court will set the limitation on the number of claim terms to be submitted for construction.

(a) Parties agree on disputed claim terms by February 15, 2008.

(b) Parties file a joint claim construction statement by April 2, 2008.

The statement shall include the construction of those claim terms on which the parties agree and each party's proposed construction of each disputed claim term, together with an identification of all the intrinsic evidence known to the party on which it intends to rely.

(c) *Markman* opening briefs due by May 16, 2008.

(d) *Markman* answering briefs due by July 1, 2008.

The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

6. Case Dispositive Motions.

Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed on or before August 1, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. Pretrial Conference and Trial.

The final Pretrial Conference will be held on October 16, 2008 at 11:00 a.m. A jury trial will be held commencing within sixty (60) to ninety (90) days after the final Pretrial Conference.

8. Further Amendments.

This Agreed Amended Rule 16 Scheduling Order is subject to further amendment or modification upon a showing of good cause.

---

Date

---

UNITED STATES DISTRICT COURT JUDGE

AGREED AS TO FORM AND SUBSTANCE:

MORRIS, NICHOLS, ARSHT &  
TUNNELL LLP

POTTER ANDERSON & CORROON LLP

*/s/ Julia Heaney (#3052)*

*/s/ David E. Moore (#3983)*

---

Jack B. Blumenfeld (#1014)  
Julia Heaney (#3052)  
1201 N. Market Street  
Wilmington, Delaware 19801  
(302) 658-9200  
Attorneys for Nokia Corporation and  
Nokia Inc.

---

Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
1313 N. Market Street  
Wilmington, Delaware 19801  
(302) 948-6000  
Attorneys for InterDigital Communications  
Corporation and InterDigital Technology  
Corporation

746200v2